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SUBJECT: NIGERIA: THE 2002-2003 ELECTIONS -- THE "BIG ENCHILADA"

Classified by Ambassador Howard F. Jeter; Reason 1.5 (d).

1. (C) SUMMARY: Joe Baxter, Nigeria Country Director for the International Foundation for Election Systems (IFES), called on Ambassador Jeter on August 6 to discuss the 2002 local government (LG) elections and the national elections in 2003. Baxter also discussed the National Identity Card and Voter Identity Card projects, and the work and political independence of the Nigerian Independent National Election Commission (INEC). According to Baxter, the next six months will be critical in terms of voter registration, party registration and the passage of the new election law. Baxter emphasized that Nigeria's international partners, including the U.S., can play a critical role in ensuring fair elections free of violence by making clear their expectations for the elections. Traditional and religious leaders also can play a key role in keeping election violence to a minimum. Baxter expressed a desire for NGOs and civil society to play an active, rather than a solely observational, role in the election process. The Mission has begun to hold regular meetings with other "friends of Nigeria" to prepare for the upcoming elections, and to design a plan to play an actively supportive role in the development of this absolutely critical piece in Nigeria's consolidation of its democracy, including the establishment of a Mission Elections Working Group, chaired by the Ambassador. END SUMMARY.

2. (U) On August 6, Joe Baxter, the Director of IFES, called on Ambassador Jeter to provide an update on IFES work. PolMilOff (notetaker) and USAID Democracy and Governance Advisor were also in attendance.

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IDENTITY PROBLEMS
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3. (C) According to Baxter, President Obasanjo's decision to select the French SAGEM consortium for the National Identity Card project posed difficulty for the upcoming elections. INEC had, with IFES endorsement, requested OMR (Optical Mark Recognition) technology for voter registration cards (SAGEM's technology, Intelligent Character Recognition (ICR), is more liable to mistakes and therefore is a slower process of data input). Had the President selected a consortium using OMR technology, the process of producing voter registration cards, as well as national identity cards, would have held out the hope of having a computerized voter register for the 2002 local government elections. However, with SAGEM getting the nod, and the attendant delay in SAGEM's inability to bring the equipment until January or February, the 2002 local government elections would likely go forward with handwritten registers and temporary voter cards, both recipes for fraud. Baxter opined that the best way to prevent fraud was to have high voter registration and turn-out. However, with SAGEM planning only 60,000 registration stations (vice the 120,000 identified in the original call for bids), it will be difficult for many people living in the North and rural areas to register. Thus, Northerners in particular may see this as an attempt to reduce their voter participation. Baxter said that this was why INEC was seeking government approval to go it alone for the 2002 local government elections, using 120,000 registration stations and hand-written rolls.

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INDEPENDENT NATIONAL ELECTION COMMISSION (INEC)
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4. (C) INEC's credibility has fallen in the eyes of many Nigerians. Many see INEC in the pocket of the PDP (the INEC Chairman and other INEC officials are PDP members), but according to Baxter the Chairman is not "a PDP stalwart." INEC has proposed an election law to the National Assembly, a modified version of which will probably be passed this fall. The proposed law will raise the bar for registration of parties above the requirements established by the constitution, a position that reinforces perceptions that the INEC is under the influence of the Executive, and thus not

"independent." Due to this and other assertions of INEC prerogatives, and INEC representatives' general lack of preparedness, INEC took a "beating" during the National Assembly hearings on the proposed law. However, Baxter noted, this showed good oversight by the National Assembly, also a critical piece of the democratic process. To regain its credibility, INEC needs to work even harder to prove it can and will conduct the elections efficiently and without bias.

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ELECTIONS ON THE HORIZON

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15. (C) Local government elections will take place in 2002 (for a one year term if the proposed law is passed), and then national elections in 2003, which will include local, state and federal elections. (COMMENT: INEC is responsible for voter registration in all elections, but the local government elections will be managed by independent state electoral commissions (ISECs). ISECs are not seen as being prepared; however, aside from supporting more interaction between them and INEC and some very basic training, they are not a key target for assistance, since the ISECs may be superseded by INEC if the new law establishes a uniform date for local, state and federal elections in 2003. END COMMENT.)

16. (C) According to Baxter, the biggest threat to free and fair elections is violence and the zero-sum pursuit of office, which could include the purchasing of votes and abuse of state government owned and controlled media. (COMMENT: State media is controlled directly by the governor. Moreover, politics in Nigeria is still dominated by money and personalities, not agendas or policy alternatives, so a winner-take-all attitude prevails, which may lead to the use of violence to manipulate outcomes. END COMMENT.) Baxter stated that a culture of "no-tolerance" toward violence needs to be created. Traditional and religious leaders can have the greatest influence in this area. However, INEC is also beginning to develop a code of conduct for the parties, but there are still questions about its ability to apply sanctions against those who break the rules. IFES has suggested to INEC that the INEC internal code of conduct be developed in concert with civil society groups to build buy-in to the code. Internal party codes of conduct will also help. IFES has also suggested INEC hold monthly meetings with political parties and the Inter-Party Advisory Committee to build confidence and to give them a voice in determining the rules of the game. Moreover, Baxter opined, civil society will need to be heavily engaged in the full election process - monitoring should be seen as a broad process of observing voter registration, party nominations and campaigns, as well as voting. Monitors should be prepared to act quickly to publicize infractions. (COMMENT: Nigerian NGOs have also expressed the need for such a broadened definition of monitoring as well as for assistance, to achieve a sufficient level of preparedness to carry out these functions. END COMMENT)

17. (C) Ambassador Jeter stated that it would be important to establish benchmarks for free and fair elections, and asked Baxter what role the Mission and other donors could play at this early stage in ensuring a free, fair and transparent election process. Baxter concluded that donors could have the greatest impact by making clear to the GON the expectation that elections will have to be peaceful, credible and adequately funded. Moreover, donors could begin to speak publicly against election violence to shape public expectations. This election would be the "big enchilada" for Nigeria, Baxter stated, and outside attention and assistance are critical.

18. (SBU) Ambassador Jeter noted that the Mission would begin that same week to have internal meetings to plan for its role in the elections, and the Mission's Elections Working Group would meet on a scheduled basis throughout the election process. Regular meetings of donors have already begun to turn their focus to elections. Planning among the "friends of Nigeria" could also lead to a joint demarche about expectations for the elections. Baxter was clearly supportive of these efforts.

19. (C) COMMENT: Baxter's insight into the process leading to elections next year and in 2003 were instructive and useful. The local government elections in 2002 are likely to be a test case for the national elections the following year. Thus, efforts by "friends of Nigeria" to emphasize non-violence and the importance of free and fair elections in the first round will have a direct impact on the 2003 LG, State, National Assembly and Presidential polls. However,

free and fair elections are not enough; the process leading to the elections must be open and transparent as well. Embassy plans to use its Elections Working Group to design an effective Mission plan for elections.

110. (U) COMMENT CONTINUED: USAID has provided assistance to IFES for the past two years, and this assistance is expected to continue through 2003. END COMMENT.
Jeter